

CHILDREN'S HEARING AID PROGRAM AMENDMENTS

2015 GENERAL SESSION

STATE OF UTAH

LONG TITLE**General Description:**

This bill amends provisions of the Health Code related to providing hearing aids for children.

Highlighted Provisions:

This bill:

- ▶ converts the Children's Hearing Aid Pilot Program to a permanent program;
- ▶ raises the age of eligibility for the program to include a child that is younger than six years old;
- ▶ establishes a repeal date for certain sections of the Health Code; and
- ▶ makes technical and conforming amendments.

Money Appropriated in this Bill:

This bill appropriates in fiscal year 2016:

- ▶ to the General Fund Restricted - Children's Hearing Aid Program Account, as an ongoing appropriation:
 - from the General Fund, \$100,000; and
- ▶ to the Department of Health - Family Health and Preparedness, as an ongoing appropriation:
 - from the General Fund Restricted - Children's Hearing Aid Program Account, \$100,000.

Other Special Clauses:

This bill takes effect on July 1, 2015.

Utah Code Sections Affected:

AMENDS:

26-10-11, as enacted by Laws of Utah 2013, Chapter 195

63I-1-226, as last amended by Laws of Utah 2014, Chapters 25 and 118

Be it enacted by the Legislature of the state of Utah:

Section 1. Section **26-10-11** is amended to read:

26-10-11. Children's Hearing Aid Program.

(1) ~~[(a) There is established a pilot]~~ The department shall offer a program to provide hearing aids to children [younger than three years old with hearing loss] who qualify under this section.

~~[(b) The department shall administer the program beginning on July 1, 2013, and ending June 30, 2015.]~~

(2) The department shall provide hearing aids to a child who:

(a) is younger than six years old;

~~[(a)]~~ (b) is a resident of Utah;

~~[(b)]~~ (c) has been diagnosed with a hearing loss by an audiologist with pediatric expertise ~~[as having hearing loss];~~

~~[(c)]~~ (d) provides documentation from an audiologist with pediatric expertise certifying that the child needs hearing aids;

~~[(d)]~~ (e) has obtained medical clearance by a medical provider for hearing aid fitting;

~~[(e) is younger than three years old;]~~

(f) does not qualify to receive a contribution that equals the full cost of a hearing aid [through] from the state's Medicaid program or the Utah Children's Health Insurance Program; and

(g) meets the financial need qualification criteria established by the department in rule, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, for participation in the ~~[pilot]~~ program.

(3) (a) There is established the Children's Hearing Aid Advisory Committee.

(b) The committee shall be composed of five members appointed by the executive director, and shall include:

(i) one audiologist with pediatric expertise;

(ii) one speech language pathologist;

(iii) one teacher, certified under Title 53A, State System of Public Education, as a teacher of the deaf or a listening and spoken language therapist;

(iv) one ear, nose, and throat specialist; and

(v) one parent ~~[who has a child older than three years old with hearing loss:]~~ whose

64 child:

65 (A) is six years old or older; and

66 (B) has hearing loss.

67 (c) A majority of the members constitutes a quorum.

68 (d) A vote of the majority of the members, with a quorum present, constitutes an action
69 of the committee.

70 (e) The committee shall elect a chair from its members.

71 (f) The committee shall:

72 (i) meet at least quarterly;

73 (ii) recommend to the department medical criteria and procedures for selecting children
74 who may qualify for assistance from the account; and

75 (iii) review rules developed by the department.

76 (g) A member may not receive compensation or benefits for the member's service, but
77 may receive per diem and travel expenses in accordance with Sections 63A-3-106 and
78 63A-3-107 and rules made by the Division of Finance, pursuant to Sections 63A-3-106 and
79 63A-3-107.

80 (h) The department shall provide staff to the committee.

81 (4) (a) There is created within the General Fund a restricted account known as the
82 "Children's Hearing Aid [~~Pilot~~] Program Restricted Account."

83 (b) The Children's Hearing Aid [~~Pilot~~] Program Restricted Account shall consist of:

84 (i) amounts appropriated to the account by the Legislature; and

85 (ii) gifts, grants, devises, donations, and bequests of real property, personal property, or
86 services, from any source, or any other conveyance that may be made to the account from
87 private sources.

88 (c) Upon appropriation, all actual and necessary operating expenses for the committee
89 [~~under~~] described in Subsection (3) shall be paid by the account.

90 (d) Upon appropriation, no more than 9% of the account money may be used for
91 [~~administrative or other expenses of the department~~] the department's expenses.

92 (e) If this account is repealed in accordance with Section 63I-1-226, any remaining
93 assets in the account shall be deposited into the General Fund.

94 (5) The department shall make rules [~~establishing a process to~~], in accordance with

Title 63G, Chapter 3, Utah Administrative Rulemaking Act to establish procedures for::

(a) ~~[identify]~~ identifying the children who are financially eligible to receive services under the ~~[pilot]~~ program; and

(b) ~~[review and pay]~~ reviewing and paying for services provided to a child under the ~~[pilot]~~ program.

~~[(6) The department shall make rules, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, regarding implementation of the pilot program created under this section:]~~

~~[(7) The services provided under the pilot program created by this section:]~~

~~[(a) do not constitute a legal right or an entitlement of any kind; and]~~

~~[(b) may be withdrawn from a person at any time without notice and without cause.]~~

~~[(8)(a) The department shall make midterm and final reports to the Health and Human Services Interim Committee.]~~

~~[(b) The midterm and final reports shall identify the operation and accomplishments of the pilot program described in this section:]~~

~~[(c) The final report shall:]~~

~~[(i) recommend whether the Legislature should convert the pilot program to an ongoing program within the department; and]~~

~~[(ii) recommend statutory changes, if any, relating to the program:]~~

~~[(9) The Health and Human Services Interim Committee shall:]~~

~~[(a) determine whether the pilot program described in this section should be converted to an ongoing program within the department; and]~~

~~[(b) if the Health and Human Services Interim Committee determines that the pilot program should be converted to an ongoing program, prepare legislation to implement that conversion:]~~

(6) The department shall, before December 1 of each year, submit a report to the Health and Human Services Interim Committee that describes the operation and accomplishments of the program.

Section 2. Section **63I-1-226** is amended to read:

63I-1-226. Repeal dates, Title 26.

(1) Title 26, Chapter 9f, Utah Digital Health Service Commission Act, is repealed July

- 126 1, 2015.
- 127 (2) Section 26-10-11 is repealed July 1, ~~[2015]~~ 2020.
- 128 (3) Section 26-18-12, Expansion of 340B drug pricing programs, is repealed July 1,
- 129 2013.
- 130 (4) Section 26-21-23, Licensing of non-Medicaid nursing care facility beds, is repealed
- 131 July 1, 2018.
- 132 (5) Section 26-21-211 is repealed July 1, 2013.
- 133 (6) Title 26, Chapter 33a, Utah Health Data Authority Act, is repealed July 1, 2024.
- 134 (7) Title 26, Chapter 36a, Hospital Provider Assessment Act, is repealed July 1, 2016.
- 135 (8) Section 26-38-2.5 is repealed July 1, 2017.
- 136 (9) Section 26-38-2.6 is repealed July 1, 2017.
- 137 (10) Title 26, Chapter 56, Hemp Extract Registration Act, is repealed July 1, 2016.

138 Section 3. **Appropriation.**

139 Under the terms and conditions of Title 63J, Chapter 1, Budgetary Procedures Act, for
 140 the fiscal year beginning July 1, 2015, and ending July 1, 2016, the following sums of money
 141 are appropriated from resources not otherwise appropriated, or reduced from amounts
 142 previously appropriated, out of the funds or accounts indicated. These sums of money are in
 143 addition to any amounts previously appropriated for fiscal year 2016.

144 To General Fund Restricted - Children's Hearing Aid Program Account

145 From General Fund, ongoing \$100,000

146 Schedule of Programs:

147 General Fund Restricted - Children's Hearing Aid

148 Program Account \$100,000

149 To Department of Health - Family Health and Preparedness

150 From General Fund Restricted - Children's Hearing

151 Aid Program Account, ongoing \$100,000

152 Schedule of Programs

153 Children with Special Health Care Needs \$100,000

154 The Legislature intends that the Department of Health use appropriations under this
 155 section to provide hearing aids to children consistent with Section 26-10-11.

156 Section 4. **Effective date.**

157 This bill takes effect on July 1, 2015.